



## MEMO ENDORSED

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January 28, 2020  
Via ECF

The Honorable Kenneth M. Karas  
United States District Court Judge  
United States District Court for the  
Southern District of New York  
The Hon. Charles L. Brient Jr. Federal  
Building and United States Courthouse  
300 Quarropas Street  
White Plains, New York 10601-4150

Plaintiff  
Should respond  
by Friday 1/31/20 at noon

Re: General Mills, Inc. v. Champion Petfoods USA, Inc. and Modestino Mele  
Case No. 20-cv-00181 (KMK) (JCM)

  
KENNETH M. KARAS U.S.D.J.

Dear Judge Karas:

We represent Defendants Champion Petfoods USA, Inc. ("Champion") and Modestino Mele ("Mele") (together "Defendants") in the above-referenced matter. Pursuant to Your Honor's Individual Rule II(A), we respectfully request a pre-motion conference on an expedited basis at Your Honor's earliest convenience to discuss Defendants' intention to file an expedited motion to stay the Court's preliminary injunction Order (ECF No. 39) pending Defendants' appeal pursuant to Fed. R. Civ. P. 62(c) and Fed. R. App. P. 8. On January 27, 2020, Defendants filed their Notice of Appeal. (ECF No. 40).

Defendants will move for expedited relief because the January 23 Order, memorialized at ECF No. 39, granting the application of Plaintiff General Mills, Inc. ("GMI" or "Plaintiff") for a preliminary injunction enjoining Mele from returning to work at Champion was improperly entered and should be stayed or modified. As a basis for the motion, Defendants contend that the Court was without authority to consider Plaintiff's application for a preliminary injunction. (Defendants' proposed memorandum of law is attached for the Court's convenience.) The Plaintiff's preliminary injunction application is a matter for the arbitrator, not the Court, and the Court therefore committed error in granting Plaintiff's application for a preliminary injunction notwithstanding its Order to compel arbitration. In the alternative, and at the very least, the Court should modify its January 23 Order to make it clear that the Order will be dissolved immediately once the matter is before an arbitrator under the applicable American Arbitration Association ("AAA") Employment Rules. In addition, the Court should further modify its Order



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to allow Mele to work at Champion on the condition that he not use or disclose any of GMI's confidential trade secret information.

Because of the urgent nature of the relief requested, we respectfully request that the Court hold its pre-motion conference by telephone as soon as possible.

Respectfully submitted,

/s/ Michael J. Sheehan

Michael J. Sheehan